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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION

Eleventh periodic reports of States parties due in 2000

Addendum

Bangladesh*

[1 March 2000]

* This document contains the seventh, eighth, ninth, tenth and eleventh periodic reports of Bangladesh due on 11 July 1992, 11 July 1994, 11 July 1996, 11 July 1998 and 11 July 2000 respectively. For the fifth and sixth periodic reports of Bangladesh and the summary records of the meetings at which the Committee considered that report, see document CERD/C/192/Add.3 and CERD/C/SR.942, 943 and 951.

The annexes to the report submitted by the Government of Bangladesh may be consulted in the Secretariat's file.

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I. INTRODUCTION

1. Bangladesh became a party to the International Convention on the Elimination of All Forms of Racial Discrimination by accession on 11 June 1979. In accordance with article 9, paragraph 1, of the Convention, the Gove ament of Bangladesh has periodically informed the Committee of the steps taken to implement the provisions of the Convention. Bangladesh's consolidated seventh, eighth, ninth, tenth and eleventh report covers the period from 1992 to 2000 and updates information presented in the last consolidated periodic report. The delay in submission of Bangladesh's previous four periodic reports was mainly due to technical reasons. The Government of Bangladesh would like to assure the Committee of its deepest commitment to the purposes and the provisions of the Convention and its highest respect for the deliberations of the Committee.

2. In compliance with the general guidelines on the submission of periodic reports, Bangladesh's combined report comprises two parts. In the first, Bangladesh's overall approach and policies towards eliminating all forms of racial discrimination and the general legal framework prohibiting racial discrimination have been outlined. In the second, information has been provided on the fulfilment of Bangladesh's obligations under the Convention.

II. GENERAL POLICIES AND OVERALL LEGAL FRAMEWORK

3. Bangladesh's geographic location and history have made it a home to people of diverse origins, races, colours and descent. The assimilative character of Bengal civilization combined with the intermingling of inhabitants with occasional waves of immigration have resulted in a composite society which has racially and culturally turned into a melting pot over the millennia. A variety of races including the Dravidians, the Mongoloids, the Negroids and the Aryans and their continuous intermingling have, therefore, contributed to a composite racial "mix" in such a way that categorical distinction of "race" or "ethnic origin" per se have ceased to exist for the Bangladeshi people. Race itself as an issue does not impinge on the consciousness or outlook of the Bangladeshi people in their intrasocial relations as they seek to find homogeneity in their identity through common language, tradition, culture, norms and harmony in tolerance and coexistence. The quintessence of Bangladeshi society is therefore the intermingling of races and any consideration of Bangladesh's overall approach and policy towards the elimination of racial discrimination must begin with an understanding of the racial homogeneity of the Bangladeshis.

4. Bangladesh's previous reports to the Committee have, in response to queries from members, incorporated information with regard to constitutional protection enjoyed by certain minority tribes of Bangladesh and special measures adopted by the Government for their economic and social advancement. In keeping with Bangladesh's deep commitment to eliminating discrimination in all its forms for every citizen of Bangladesh irrespective of race, religion, caste, sex or place of birth, Bangladesh has included in the present report information on tribal and religious minorities and general policies and the legal framework prohibiting all forms of racial or any other form of discrimination towards them.

5. Article 28 (1) of the Constitution specifically prohibits any discrimination against any citizen of the State on grounds of religion, race, caste, sex or place of birth. Article 28 (3) provides further that no citizen shall, on grounds of religion, race, caste, sex or place of birth, be

subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution. In fact, Bangladesh, in its policy and practice has undertaken to create a unique example in the region of a social and cultural orientation that does not recognize any social class or caste systems or discrimination on the basis of religion. The Government pursues proactive policies of positive discrimination in favour of disadvantaged sections of its citizenry. Bangladesh therefore, takes a broad view of its obligations under the Convention.

6. Fundamental rights have been set out in articles 26 to 47 of the Constitution, which guarantee that all citizens, being equal in the eyes of the law, enjoy the inherent right to exercise these fundamental rights. These further provide for enjoyment and exercise on an equal footing by all citizens of human rights and fundamental freedoms such as freedom of movement, freedom of assembly and of association, freedom of thought, conscience and speech and freedom of religion. It is also the inalienable constitutional right of every citizen to enjoy equality before the law and the right to the protection of the law, protection of the right to life and personal liberty, safeguards as to arrest and detention, prohibition of forced labour, etc. In addition, equality before the law and guarantees against any discrimination and special provisions providing positive discrimination in favour of disadvantaged sections of the citizenry are in place for the purpose of securing their adequate representation in the service of the Republic.

7. Under article 26 of the Constitution, any law inconsistent with fundamental rights is void. Under articles 44 and 102 of the Constitution, all fundamental rights of citizens are enforceable by the highest courts of the State. The Government's policy on eliminating racial discrimination is further borne out in the laws followed in the administration of criminal justice, namely the Penal Code. In Bangladesh, the religious and customary laws of different religions and minorities are covered under the respective personal laws. The provisions of the Convention can always be invoked before the court of law in Bangladesh, although they are not directly enforced by it or for that matter by other tribunals or administrative authorities. The implementation of the provisions of the Convention, whenever necessary, may be sought through internal laws in force in the country, as mentioned above. The recent decision of the Government to establish an independent national human rights commission with a wide-ranging mandate to promote and protect human rights regardless of race, colour, religion or sex would further strengthen the existing legal and institutional regime against any violation of human rights and enhance the provision of legal aid. The Government has also decided in principle to establish an office of ombudsman which would further consolidate the rule of law and the effective enjoyment of fundamental rights. The emergence of free media, an active non-governmental organization movement and a range of institutional mechanisms of civil society for the protection and promotion of human rights would further complement the efforts of the Government to eliminate racial as well as other forms of discrimination against individuals.

8. In 1971, the people of Bangladesh fought a war against widespread economic, social, cultural and political discrimination based on race, religion, language and place of birth. Large-scale and systematic genocide and rape were committed on the basis of race and religion. The Bangladesh Constitution was, therefore, drafted based on the ideals and principles for which the people of Bangladesh fought the war of independence in 1971. The framers of the Bangladesh Constitution put utmost emphasis on the provisions for guaranteeing fundamental rights and freedoms to every citizen under the broadest perspective without making any

distinction as to race, religion, caste, creed, sex or place of birth. The framers of the Bangladesh Constitution also faithfully drew upon the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights while drafting the chapter on fundamental rights.

9. Article 25 (1) (c) of the Constitution lays down the fundamental principle of State policy that the State will conduct its international relations in support of any just struggle against imperialism, colonialism and racism. In keeping with these principles Bangladesh has acceded to all major international human rights instruments that prevent and prohibit discrimination, including the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1995, the Slavery Convention of 1926 and Protocols thereto, the Genocide Convention of 1948, the Convention against Torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, etc. Bangladesh has also acceded to the four Geneva Conventions of 1949 and their two Protocols of 1978 and is the only State from South-Asia which has signed the Statute of the International Criminal Court. Bangladesh's strong support for the establishment of the Court, which has jurisdiction over the crime of genocide, a crime that is based on race, emanates from existing national legislation, i.e. Act No. XIX of 1973 on International Crimes (Tribunals). The Act has jurisdiction over crimes against humanity, genocide, war crimes or "any violation of human rights and humanitarian law committed against civilian population or persecutions based on political, racial, ethnic or religious grounds". The provisions of the Bangladesh statute are therefore, in some respect broader and more encompassing than the Rome Statute and many other relevant international human rights instruments including the Convention on the Elimination of All Forms of Racial Discrimination.

10. At the international level, Bangladesh's deep commitment towards the elimination of racial discrimination in all its forms, including apartheid has been manifest in its active role in the United Nations, the Movement of Non-Aligned Countries and the Commonwealth, its contribution to the elimination of apartheid in Namibia as a member of the Council for Namibia, the imposition of sanctions and severing of diplomatic relations with South Africa on grounds of apartheid and its accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid. As a State party to the International Covenant on Economic, Social and Cultural Rights and relevant ILO Conventions that prohibit discrimination in employment and occupation and the indigenous and tribal peoples Convention, Bangladesh has been fulfilling the obligations under this Convention in a much broader perspective for the promotion of political, economic, social and cultural rights of its people without any discrimination to their race, colour, descent or origin. As a matter of principle and policy, Bangladesh would continue to support the principle of equality of States and individuals, including racial equality, in appropriate international forums.

11. As mentioned in paragraph 3 above, racially, socially and politically Bangladeshis are one people of whom more than 99.5 per cent are homogenous, while only 0.45 per cent represent a tribal population which is unique in Bangladeshi society in terms of distinct tribal, cultural and social norms and traditions. Divided into as many as 36 different tribes that are distributed over various districts of Bangladesh, they are an intrinsic part of the mixed racial composite of Bangladesh and live harmoniously within the community. The pockets of ethnic minorities along the western, northern and eastern borders of Bangladesh are home to smaller factions

compared to major presence in the south-eastern part. Of the total tribal population, the tribes in the south-eastern Chittagong Hill Tracts Districts comprise 56 per cent, tribes in Rajshahi Division (West) comprise 26 per cent, tribes in Dhaka Division comprise 10 per cent and tribes in the southern Divisions of Barisal and Khulna comprise about 7 per cent. Traditionally other than in the south-eastern area, tribal minorities have lived under the same administrative dispensation as the rest of the population and enjoy adequate legal and administrative protection pursuant to national policy in fulfilment of constitutional provisions of equality for all and positive discrimination to backward sections of the citizenry.

12. The Constitution of Bangladesh, under article 29 (1), (2) and (3), provides for equal opportunity in public employment for all, but special opportunity and provisions for citizens belonging to the tribal factions which are generally considered the backward sections of the society. Special quotas for the tribals are accordingly provided in public employment and admission to educational institutions.

13. Bangladesh is aware of the fundamental difference between race and religion. However, Bangladesh is committed to including information on national provisions prohibiting any discrimination based on religion under the provisions of the Convention. The quintessence of the philosophy of the Bengal civilization over the millennia has been secularism in letter and spirit. All religions have traditionally lived in perfect communal harmony in Bangladesh, which has had a track record of a secular society over the centuries regardless of its political or sociocultural history. Any discrimination on the grounds of religion is prohibited in Bangladesh. Article 27 of the Constitution clearly spells out that all citizens of Bangladesh irrespective of religious affiliation enjoy equal rights and privileges and are entitled to equal protection under the law. The Penal Code of Bangladesh in sections 295, 295 A, 296, 297 and 298 makes any discrimination based on religion punishable under the law. Other than the Muslims, who constitute the majority (88 per cent of the population), Hindus, Buddhists and Christians are the major religious groups. Of the total 12 per cent of the religious minorities of Bangladesh, 10 per cent are Hindu, about a 1.2 per cent are Buddhist, including the hill tribe population, and the rest are Christians and others. Constitutional provisions are in place in article 29 (1) and (2) prohibiting any form of discrimination based on religion and measures of positive discrimination and government policies for reserving special quotas in public service for religious minorities or denominational institutions are guaranteed in article 29 (3).

III. IMPLEMENTATION OF ARTICLES 2 TO 7 OF THE CONVENTION

A. Article 2

14. Article 28 of the Constitution of Bangladesh strictly prohibits any discrimination against any citizen on the grounds of religion, race, caste, sex or place of birth. Article 28 (3) of the Constitution provides further that no citizen shall on grounds of religion, race, caste, sex or place of birth be subjected to any disability, liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution. Under the fundamental principles of State policy, article 25 (1) (c) provides that the State shall base its international relations on the principles of support to oppressed peoples throughout the world waging a just struggle against racism.

15. As per the requirements of article 2 (1) (a), the Government of Bangladesh, in fulfilment of the constitutional provisions mentioned above, has pursued a strong policy of eliminating racial discrimination in all its forms and the promotion of understanding and harmony among peoples of various ethnic origin, descent or colour at the national and international levels. The Constitution clearly prevents the Government from practising racial discrimination against persons, group of persons or institutions.

16. As per the requirements of article 2 (1) (b) and (d) of the Convention, the Government of Bangladesh has as a matter of constitutional obligation and principle undertaken and pursued a conscious policy to prohibit and not to sponsor, defend or support racial discrimination by any person or organization. In fact, Bangladesh had in principle supported persons and organizations who fought a just struggle against racial discrimination in Namibia and South Africa.

17. As mentioned in paragraphs 8 and 9 of the present report, in the context of a "post-racial discrimination" and a "post colonial" society, the framers of the Bangladesh Constitution faithfully drew upon the provisions of major international instruments that completely and comprehensively prohibit racial discrimination in all its forms. The constitutional guarantees for every citizen to be protected against any discrimination based on race, colour, religion, caste, sex or place of birth are enforceable by the High Court Division of the Supreme Court of Bangladesh under articles 44 and 102 of the Constitution. Bangladesh citizens can therefore, through written petitions to the High Court realize their fundamental right to be protected against any form of racial discrimination. Besides the Penal Code of Bangladesh provides punitive measures against any forms of religious discrimination guaranteed under the Constitution. As required by article 1 (c) of the Convention, appropriate measures already exist in the Bangladesh statutes to prevent racial discrimination and no laws that have the effect of creating or perpetuating racial discrimination need to be nullified.

18. As per the requirements of article 2 (1) (e), the State does not encourage anything that tends to strengthen racial division and pursues a policy of eliminating barriers and enhancing intermingling and harmony among peoples of different descent, religion and colour. It has encouraged and supported in principle, multiracial organizations that struggled against apartheid in South Africa and Namibia. As an active member of the Council for Namibia, Bangladesh contributed to the process of eliminating racial barriers and discrimination in Namibia.

19. Article 28 (4) of the Bangladesh Constitution makes special provisions for the advancement of any disadvantaged section of the citizenry, while article 29 (3) makes special provisions for their adequate representation in the service of the Republic and for giving effect to any law to implement these provisions. Despite its overall socio-economic constraints as a least developed country, Bangladesh, in fulfilment of these constitutional provisions, pursues an active policy aimed at the overall development and preservation of the small factions of its ethnic minority tribes, some of whom tend to be socio-economically less advanced than the national average.

20. As mentioned in paragraph 10 above, the multiracial composite of the Bangladeshi population comprises a 99.5 per cent racially, socially and politically homogenous people and 0.45 per cent of tribal minorities who are unique to the mainstream Bangladeshi society in terms of their distinct tribal cultural and social norms and traditions. Divided into as many

as 36 different tribes that are distributed over various districts of Bangladesh, they are an intrinsic part of the mixed racial and sociocultural fabric of the Bangladeshi society and live harmoniously within the community. These minority tribes are by conscious policy of the Government encouraged to maintain their unique cultural identity and intra-tribal social and functional hierarchical structures and have lived in harmony with the rest of the population over the centuries. Besides being fully committed to the protection and preservation of the sociocultural heritage of the tribal population, the Government is also providing various fiscal, employment, educational and social privileges and benefits to members belonging to different tribes and allocating priority projects for the socio-economic development of the areas that are inhabited by majority tribal factions.

21. Although the total tribal population represents only a 0.45 per cent of the population of Bangladesh, the Government has taken special measures and steps to ensure faster economic growth of the areas in which majority of the tribal population resides. Fifty-six per cent of the total tribal population of Bangladesh lives in the difficult terrain of the Chittagong Hill Tracts, comprising three hill districts. The Government is annually allocating 11,500 million takas under its annual development budget (1999-2000) for development activities in the hill areas, which is considerably higher than the per capita annual budget spent for socio-economic development in other non-tribal districts of the country. Besides sectoral allocation, through all concerned Ministries of the Government in the fields of communication, electrification, agriculture, land development, cottage industries, health, sanitation, rural development, sports and culture, etc., the Government is also allocating Tk 1,126 million through the Chittagong Hill Tracts Development Board during the current fiscal year. The Board was established in 1976 as an autonomous body with an exclusive mandate to execute socio-economic development projects for the inhabitants of the Chittagong Hill Tracts. From its creation up to June 1999, the Board has implemented 1,135 socio-economic development projects, spending Tk 685 million for the development of the region. Another gross amount of Tk 11,900 million was earmarked for the fiscal year 1998/99 under the Development Board programmes. A memorandum of understanding was signed between the Government and UNICEF in July 1980 for creating and implementing socio-economic development projects in the Chittagong Hill Tracts area. Under the UNICEF programme, Tk 269.9 million has been spent so far from 1985 to 1995 for health, nutrition, water sanitation and education projects giving special priority to the needs of women and children. Under the second phase of the UNICEF project, (1995-2000), Tk 348.3 million has been spent so far.

22. The Government, in its fifth five-year plan for the period 1995-2000, has allocated Tk 1,729 million as the sectoral allocation for the socio-economic development of the hill tribes. Special attention will be given to (a) extensive road connections and telecommunication facilities; (b) intensive geological survey for mineral resources; (c) horticulture development; (d) provision of safe drinking water; (e) prevention of soil erosion; (f) intensive agricultural extension services; (g) setting up fruit processing industries; (h) encouraging the creation of tourist-friendly environment facilities, etc. With a population of only 0.45 per cent of the total population of Bangladesh, the per capita development expenditure in the Chittagong Hill Tracts area is much higher than that for the rest of the country (population: 120 million, area 147,570 sq. km). The features of these development activities are shown in the annexes to the present report.

23. The population density of the Chittagong Hill Tracts area is only 78.2 persons per sq. km. compared to a much higher 755 persons per sq. km. nationally. The forestry resources in the area account for more than one third of the country's total forests reserve. During the period of the fourth five-year plan covering the period from 1990-1995, the economy of the area grew at a rate of 4.26 per cent per year in terms of income, while the country's economy grew at a rate of 4 per cent during the same period. The per capita income of these tracts was estimated at Tk 14,400 in 1992/93 against the national average of Tk 8,368. The area, which is predominantly agricultural, covers 13,300 sq. km. of land, which is 9 per cent of the total area of Bangladesh. Forest covers three-quarters of the total area. More than 64 per cent of the GDP of the area comes from agriculture compared with the national average of 35.49 per cent in 1992/93. Industry accounted for 6.13 per cent of GDP, which is lower than the national average.

24. The literacy rate among the Chakmas, the largest tribal faction, is nearly 60 per cent which is higher than the national average of 52 per cent and there are more than 91 primary schools per 100,000 population in the area against about 46 on an average in the country. However, the isolation of the communities continues to affect efficient use of facilities as the literacy rate indicates. Similarly, the fact that there are 22 health complexes per 1 million persons in the Chittagong Hill Tracts area, while for the country as a whole there is 1 complex for the same size of population indicates the problem of the isolation of the communities spread out in small settlements and lack of coordination in utilizing local resources. While the area fares better economically than some of the other areas of the country, its development in the social sector, especially health and sanitation, fails to measure up compared to the resources available. Particular attention is being given while identifying projects in the sixth five-year plan to the areas of infrastructure, health, sanitation, education, tourism and cultural preservation of the various tribes, not only in the hill areas but also for the tribes who are even less numerous and are living in the north and northwest parts of Bangladesh and would benefit as the rest of the population from greater development activities.

25. Measures of positive discrimination are already in place in the Bangladesh Constitution to enable and encourage better access of these minority tribes to the mainstream of national life and socio-economic development activities of the country and to facilitate their intermingling with the rest of the Bangladeshi population. Even though there exist no provisions of public discrimination, including as regards election of tribal representatives in the National Parliament of Bangladesh, special laws are nevertheless in place to ensure that the tribal people maintain their age-old tribal administrative units and representation in close cooperation with the Government's local administration. At the moment, there are three elected tribal representatives in the 300-seat National Parliament of Bangladesh.

26. For the employment of the tribal people in all public jobs, the Government has relaxed the age limit for jobs involving hard physical labour by five years as against the prescribed age limit. In other cases, the upper age limit has been relaxed up to 10 years. For all public jobs, including class I and class II, in all fields of employment except teaching and cadre posts, the educational requirements are also reduced by one educational standard for tribal candidates from the region, so that in cases where a Master's degree is normally required for a non-tribal, the holder of a bachelor's degree will be eligible, if he is tribal. Moreover a five per cent quota, which is more than 10 times the proportion of the population, has been allocated to tribal people

in public sector employment. At this time, 1,877 posts have been filled by the tribal people. The tribes in the Chittagong Hill Tracts have, however, enjoyed higher benefits than others.

27. Notwithstanding the higher literacy rates of the hill tribes than the national average, the Government, alongside the establishment of schools and colleges in the area, maintains a special quota for the admission of tribal people to higher educational institutions including technical and vocational and the selection procedure has been kept simplified, omitting merit requirements. As a result, tribal students obtaining less than 45 per cent in academic subjects can gain admission to medical and engineering colleges whereas many non-tribal students with more than 75 per cent cannot gain admission to these institutions, which are the best in Bangladesh.

28. However, as mentioned during the Committee's consideration of Bangladesh's previous combined report, a fraction of these tribal peoples living in the south-eastern hilly areas of Bangladesh and comprising 0.25 per cent of the total population of Bangladesh had difficulties in national integration for reasons which are not uncommon to "post-racial discrimination" and "post-colonial" societies. This marginal but continued problem of national integration and unrest therein, on the part of this very small fraction of the tribal population, was resolved peacefully by a negotiated settlement between the Government and designated representatives of the hill tribe factions (Parbatya Chattagram Jana Sanghati Samity (PCJSS) in December 1997. The settlement has paved the way for removing the remaining obstacle on part of the Government to bring the area under a much more intensive development network, which was otherwise being disrupted due to tribal disturbances and insurgencies, thus keeping the region isolated and preventing it from attaining its full development potential.

29. The 68-point accord provides for far-reaching positive discriminatory measures that are exclusively for the hill tribe population under the existing constitutional provisions. The accord and its phased implementation would further consolidate and uphold the political, economic and socio-cultural interests of the hill tribes within the jurisdiction of the Constitution of Bangladesh. Unlike the administrative structures in any other districts in Bangladesh, the accord provides for exclusive positive discrimination for the three hill districts, including greater autonomy in terms of self-governance. It inter alia recognizes the hill districts as constituting an area to be administered by a Regional Council, the Chairman of which would be elected from among the tribal people. All development activities of the districts, local government institutions, administration of law and dispensation of customary justice, generation and collection of revenue and administration of local elections will be included in the functions of the Regional Council. A separate Ministry for the hill minorities has already been formed with a clear and specific mandate to consolidate and further uphold the interests and rights of the tribal minorities. Since the establishment of the Chittagong Hill Tracts Ministry, the Government has allocated Tk .577.3 million for socio-economic development of the area, besides the allocations made under the fifth five-year plan, the Chittagong Hill Tracts Development Board and the Chittagong Hill Tracts District Council.

30. The existing laws of 1989 on local governance of the hill districts have been amended as per the provisions of the accord, incorporating "ownership of land" provisions for the tribes under the administration of the Regional Council in deciding matters related to land administration and management, land dispute settlement, law enforcement, etc. in consultation with the Chairman of the Regional Council. The Chittagong Hill Tracts Regional Council Act of

1998 has been adopted under which the 22-member Regional Council has been formed and an elected tribal representative has taken office as Chairman of the Regional Council. Special educational and financial incentives have been created under the accord for ensuring further enhancement of the socio-cultural advancement of tribal youth. The salient features of the accord and a fact sheet on the status of its implementation under the supervision of a National Task Force comprising the Chairman of the Regional Council, a tribal member of Parliament and the Chief Whip of the National Parliament are annexed to the present report.

31. Bangladesh's society is in rapid transformation through a culture of pluralism, communal harmony, democracy, freedom, liberalism, peace and development. Religious rights and the enjoyment of religious festivities by all major religions of Bangladesh are ensured in public life, including observing public holidays, preservations and legal protection of religious and cultural property and rites, etc. In fulfilment of the constitutional provisions for positive discrimination towards minorities, the Government retains a 5 per cent quota and relaxes the qualifications required for recruitment of religious minorities in public employment. In order to encourage further integration of minority communities, the Government established the Religious Affairs Ministry after the independence of Bangladesh. Under its supervision, the Hindu Religious Welfare Trust and the Buddhist Religious Welfare Trust have been established. Generous financial support has also been extended to them. The Hindu Religious Welfare Trust has been receiving Tk.7 million annually and Tk.70 million as one-time grant from the Government. Some 800 Hindu religious institutions have benefited from this support. Besides, the Government accords special grants to the Trust during important religious festivals. The Buddhist Religious Welfare Trust has been receiving Tk.1.5 million as an annual grant and Tk.20 million as one-time grant from the Government, which are being used for the promotion and preservation of religious Sites of the two religions.

B. Article 3

32. Bangladesh has consistently condemned racial segregation and apartheid and has been vocal at the national and international levels for the elimination of these discriminatory practices. As a member of the Council for Namibia, Bangladesh has been at the forefront of the efforts of the international community to remove the last traces of apartheid from Namibia. Bangladesh did not recognize the racist regime of South Africa and did not maintain any diplomatic, economic or other relations with that country during the apartheid regime. Bangladesh is a State party to the International Convention on Suppression and Punishment of the Crime of Apartheid and implements its provisions in spirit and principle at all levels. In addition, Bangladesh has played an active and vocal role in the Movement of Non-Aligned Countries, the Commonwealth and at the United Nations on the question of apartheid and racial discrimination and segregation in South Africa. Bangladesh's international relations are based on article 25 (1) (c) of the Fundamental Principles of State Policy under the Constitution, which condemns racism.

C. Article 4

33. No organization that promotes or incites racial discrimination or racial hatred can legally exist in Bangladesh. In case of any act that leads to the promotion of racial hatred or incitement to racial discrimination, as well as acts of violence by any person or organization, the criminal law in force may be evoked for punitive measures. Besides, the Civil Procedure Code and the

Criminal Procedure Code provide for equal rights for all citizens of the country irrespective of caste, race, religion or colour in protecting the individual against any fo m of discrimination or violation of human rights.

34. The Provisions of sections 295, 295A, 296, 297 and 298 of the Bangladesh Penal Code also have relevance to acts of violence based on religion.

D. Article 5

Right to equality before the law

35. The right of all citizens to equality before the law and equal protection of the law within the territory of Bangladesh is an enforceable fundamental right under article 27 of the Constitution. All citizens have the right to equal treatment before tribunals and other forums administering justice without distinction as to race, colour or ethnic origin.

Right to life, liberty and personal security

36. Articles 31, 32 and 33 of the Bangladesh Constitution guarantee to every person the right to life and personal liberty. They provide that, to enjoy the protection of the law and to be treated in accordance with law and only in accordance with law, is the inalienable right of every citizen wherever he may be, and of every other person for the time being within Bangladesh, and in particular that no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with the law. Article 32 of the Constitution states that no person shall be deprived of life or personal liberty save in accordance with the law. Article 33 (1) stipulates that no person who is arrested shall be detained in custody without being informed, as soon as possible, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.

Political rights and right to stand for election

37. Full political rights are guaranteed to every citizen of Bangladesh under article 66 of the Constitution. It provides that a person shall, subject to the provisions of clause (2) of this article, be qualified to be elected as, and to be, a member of Parliament if he is a citizen of Bangladesh and has attained the age of 25 years. However, it also provides that a person shall be disqualified for election as, or for being, a member of Parliament who:

(a) Is declared by a competent court to be of unsound mind;

(b) Is an undischarged insolvent;

(c) Acquires the citizenship of or affairs in or acknowledges allegiance to a foreign State;

(d) Has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;

(e) Holds any office of profit in the service of the Republic other than office which is declared by law not to disqualify its holders; or

(f) Is disqualified for such election by or under any law.

Right to vote in elections

38. Bangladesh's political system is based on parliamentary democracy and every citizen of Bangladesh fulfilling the following provisions of article 122 of the Bangladesh Constitution has the right to participate in elections on the basis of universal and equal suffrage.

"(2) A person shall be entitled to be enrolled on the electoral roll for a constituency delimited for the purpose of election to Parliament, if he:

"(a) Is a citizen of Bangladesh;

"(b) Is not less than 18 years of age;

"(c) Does not stand declared by a competent court to be of unsound mind; and

"(e) Is or is deemed by law to be a resident of that constituency.

"A person shall be entitled to be enrolled on the electoral roll for the purpose of elections to the office of the President if he is entitled to be enrolled on the electoral roll for a constituency under clause (2)."

Right to take part in the Government, conduct public affairs and equal access to public service

39. All citizens of Bangladesh have equal and full rights to take part in the Government and the conduct of public affairs. Article 29 of the Constitution of Bangladesh guarantees that:

"(1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

"(2) No citizen shall on grounds only of religion, race, caste, sex or place of birth be ineligible for, or discriminated against in respect of, any employment or office in the service of the Republic.

"(3) Nothing in this article shall prevent the State from:

"(a) Making special provision in favour of any backward section of the citizenry for the purpose of securing their adequate representation in the service of the Republic."

Right to freedom of movement and residence, to leave and return to the country

40. Every person is guaranteed the right to move freely throughout Bangladesh, to reside and settle in any place therein and to leave and re-enter Bangladesh, except in the case of any reasonable restrictions imposed by law in the public interest, as per the provisions of article 36 of the Bangladesh Constitution

Right to a nationality

41. Every citizen of Bangladesh has the right to Bangladesh nationality. The right to nationality is covered by the provisions pertaining to citizenship in the Constitution.

Right to marriage and choice of spouse

42. Subject to a minimum age for marriage, there is complete freedom in Bangladesh in case of marriage and choice of spouse under the civil laws of the country. Interreligious marriages are not very uncommon and are not subject to any forms of discrimination. One partner in an interreligious marriage generally converts to the other's religion on a voluntary basis.

Right to own property

43. Every citizen of Bangladesh is guaranteed the right to own property alone as well as in association with others under the provisions of article 42 of the Constitution which provide that:

> "(1) Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property and no property shall be compulsorily acquired, nationalized or requistioned save by authority of law.
>
> "(2) A law made under clause (1) shall provide for the acquisition, nationalization or requisition with compensation and shall either fix the amount of compensation or specify the principles on which, and the manner in which, the compensation is to be assessed and paid; but no such law shall be called in question in any court on the ground that any provision in respect of such compensation is not adequate."

Right to inherit

44. Every citizen of Bangladesh has the right to inherit property according to his or her personal law.

Right to freedom of thought, conscience and religion and the freedom of speech and expression

45. The Constitution of Bangladesh guarantees all four fundamental freedoms to every citizen including the right to freedom of thought, conscience, speech and religion. Article 39 guarantees:

(a) Freedom of thought and conscience;

(b) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence:

(i) The right of every citizen to freedom of speech and expression; and

(ii) Freedom of the press.

46. Article 41 guarantees, subject to law, public order and morality, that:

(a) Every citizen has the right to profess, practise or propagate any religion;

(b) Every religious community or denomination has the right to establish, maintain and manage its religious institutions;

(c) No person attending any educational institution shall be required to receive religious instruction, or to take part in or to attend any religious ceremony or workship, if that instruction, ceremony or worship relates to a religion other than his own.

Right to freedom of peaceful assembly and association

47. Every citizen enjoys the right to freedom of peaceful assembly and association and to attend public meetings and processions peacefully and without arms subject to any reasonable restrictions imposed by law in the interests of morality or public order or health as per the provisions of article 37 of the Constitution. As per article 38, every citizen also has the right to form associations of unions, subject to any reasonable restrictions imposed by law in the interests of morality or public order.

Economic, social and cultural rights

48. Bangladesh is a party to the International Covenant on Economic, Social and Cultural Rights and fulfils his obligations as a State to realize the economic, social and cultural rights of every citizen without any distinction as to the race, religions, colour, caste or sex. Provisions of positive discrimination are of course there for the advancement of backward sections of the citizenry. Besides the right to form trade unions and access to public places, other economic, social and cultural rights provided under the Convention fall within the guarantees of the Bangladesh Constitution, including the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration, to enter any lawful profession or occupation and to conduct any lawful trade or business.

49. Article 40 of the Constitution provides that, subject to any restrictions imposed by law, every citizen possessing such qualifications, if any, as may be prescribed by law in relation to this profession, occupation, trade or business shall have the right to enter any lawful profession or occupation and to conduct any lawful trade or business.

50. Article 15 of the Constitution provides the right to protection against unemployment. It states that it shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing for its citizens:

(a) The provision of the basic necessities of live, including food, clothing, shelter, education and medical care;

(b) The right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work;

(c) The right to reasonable rest, recreation and leisure; and

(d) The right to social security, that is to say to public assistance in case of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans, or in old age, or in other such cases.

51. Every citizen has the right to form and join trade unions.

52. As regards the right to housing, every citizen has the right to construct his own house and live there peacefully, although it has not been mentioned specifically in the Constitution. People traditionally build and live in their own houses. Government housing exists only for the public sector and in a very limited way in the urban areas and accounts for less than 10 per cent of total housing in the urban area.

53. Article 18 of the Constitution provides for the right to public health, medical, social security and social services. It states that the State shall regard the raising of the level of nutrition and the improvement of public health as among its primary duties. As regards the right to medical and social services, the provisions of article 15 of the Constitution apply.

54. Article 17 of the Constitution guarantees the right to education and training, including every citizen's right to free primary education. The Government of Bangladesh has made primary education up to class eight as completely free and reserves quotas in educational institutions and relaxes qualifications for backward sections of the citizenry. The literacy rate (7 years and above) has increased from 32.4 per cent in 1993 to 52.4 per cent in 1999. The Constitution provides that the State shall adopt effective measures for the purpose of:

(a) Establishing a uniform, mass-oriented and universal system of education and extending free and compulsory education to all children to such a stage as may be determined by law;

(b) Relating education to the needs of society and producing properly trained and motivated citizens to serve those needs;

(c) Removing illiteracy within such time as may be determined by law.

55. Every citizen has the right to participate in cultural activities, although this is not specifically mentioned in the Constitution. Ethnic and religious minorities are encouraged as a conscious policy of the Government to preserve and practise their respective cultural activities with due fervour and freedom.

56. As regards the right of access to any place or service intended for use by the general public, no person is barred access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

E. Article 6

57. The fundamental rights chapter of the Constitution of Bangladesh can be enforced in the High Court Division of the Supreme Court of Bangladesh. In cases where violations of fundamental rights have occurred, redress can be demanded and the Supreme Court and the High Court have the power to issue writs. The structure of the judicial system and the executive of the country go down to the grass-roots level, permitting easy access to all. Individuals who cannot afford to engage lawyers are provided free legal aid and assistance by the State. The justice system in Bangladesh has lately treated innovative provisions for justice for the rural peoples by establishing independent Grameen Courts (rural courts) under the jurisdiction of the Law, Justice and Parliamentary Ministry of the Government that provide quick redress to the common peoples in favour of their rights.

58. The Civil Procedure Code and the Criminal Procedure Code provide for equal rights for all citizens of the country irrespective of caste, race, religion or colour in protecting the individual against any form of discrimination or violation of human rights. The law also provides for reparation from offenders. In the case of serious and substantial damage, the State may suo moto or on application by the affected persons provide ex gratia assistance in cash or kind.

F. Article 7

Education and teaching

59. In compliance with its obligations under article 7 of the Convention, Bangladesh has taken various initiatives starting from the grass-roots level of society to combat all forms of prejudices that might lead to racial discrimination or communal intolerance. Sustained and conscious efforts have been made towards shaping the minds of the youth to be conscious about any form of racial discrimination. All the educational institutions of the country are open to all citizens, irrespective of race, colour or national or ethnic origin. Moreover, as mentioned earlier, all ethnic groups have been provided with special quotas for receiving education at the various educational institutions, including the highest seat of learning of the country. Therefore, intermingling of youth coming from various religions and tribes with the mixed multiracial mainstream faction of the population in educational institutions of the country at both the district and the grass-roots levels has created a perfect environment and attitude of racial and communal harmony.

60. The text of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination and the Convention on Elimination of All Forms of Discrimination against Women have been translated into Bangla and included in the educational curriculum of secondary schools of Bangladesh at the joint initiative of UNESCO, the United Nations Information Centre and the Government. Apart from that, the school curriculum now includes the history of slavery, apartheid and racial discrimination all over the world based on race, religion, gender, caste, etc. and the consequent denial of fundamental rights and the international efforts and struggle to realize these rights. Human rights education, particularly pursuant to the ongoing United Nations Decade of Human Rights Education, is an important feature of legal and international relations studies at the universities of Bangladesh. Major human rights conventions and the International Bill of Human Rights have been included in the training of teachers and other professionals, which will result in better understanding, tolerance and friendship vis-à-vis other nations and racial or ethnic groups among their students.

61. Moral education has traditionally enjoyed the biggest emphasis in the education system. Students in primary and secondary schools have compulsory courses in their respective religions. Tolerance and piety are some of the elements of moral education. A large number of foreign students from South Asian and South-East Asian and African countries avail themselves of scholarships from the Bangladesh Government and are studying at the technical institutions of Bangladesh. These students represent different races and colours and religion and live in perfect ideological harmony and friendship with the Bangladeshi students.

62. Disadvantaged communities have been provided with facilities for their education. In view of the difficult social mobility of the tribal people and other ethnic minorities, schools have been set up in the specific areas where they live. Facilities have also been provided for students to live on campus at government expense. However, the number of primary schools in tribal areas is in some cases higher than the national average.

Culture

63. The political parties, institutions or associations working to develop national culture and tradition are working to combat racial prejudice and to promote international and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups. Each tribal community is encouraged to preserve and develop its own culture with a view to making the tribes more aware and appreciative of each other's cultural heritage. The Government provides institutional support towards the enrichment of different cultural practices, in pursuance of the principles of the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention. The International Day for the Elimination of Racial Discrimination is observed throughout the country at the district and thana levels and commemorative messages are put out in local dailies not only to observe the day but also to create better awareness of the purpose of the day among the common millions of Bangladesh. Besides, Bangladesh is consciously trying to inculcate a "Culture of Peace and Non-violence for the Children of the World"as a national theme as well as at the United Nations.

64. Several friendship organizations in the country are working to promote amity between Bangladesh and other nations. Several organizations in the country deal with human rights and the performance of the public and private sector on this issue. Bangladesh celebrated the fiftieth

anniversary of the Universal Declaration, nationwide at the district level through various cultural activities, including painting exhibitions, drama, essay competitions, etc. at the high school and university level. In addition, the Shilpa Kala Academy, an autonomous body under the Ministry of Culture of the Government, organizes periodic cultural functions based on cultural themes from various tribal factions and religious minorities of Bangladesh.

65. Although there is no racism or racial discrimination in Bangladesh, solidarity committees or United Nations Associations are working in their respective fields. The Government of Bangladesh and the non-governmental organizations observe human rights days in a befitting manner. Political parties vigorously campaign and work against racism and apartheid anywhere in the world.

Information

66. The media plays an important role in raising awareness among the peoples about the international and national imperatives and policies towards elimination of racial discrimination. Regular programmes of readings from the religious book of each community, with explanations, are broadcast on radio and television in Bangladesh. Local newspapers regularly publish features, articles and news, disseminating information to combat racial prejudice which leads to racial discrimination. The mass information media, i.e. the press, radio and television put out special programmes on the occasion of the observance of International Human Rights Day and bring out special supplements on the International Day for the Elimination of Racial Discrimination besides the commemorative messages from the head of State, the Government and the United Nations Secretary-General.

67. As part of the implementation of the Vienna Declaration and Programme of Action the Government is in the process of setting up an independent national human righs commission and has adopted a conscious policy of making all public offices and government machinery more aware of their obligations under international human rights instruments, including the Convention. Awareness has been created among the law enforcement agencies and the armed forces through their training curriculum on the need to observe and promote and protect human rights of the people. The Government is working in close cooperation with the actors of civil society, the United Nations Development Programme, UNICEF, the International Labour Organization and UNESCO to strengthen the national human rights protection and promotion mechanism under the general guidelines of the Vienna Declaration and Programme of Action.

IV. LIST OF ANNEXES

I. Constitution of the People's Republic of Bangladesh

II. Declaration of Independence of Bangladesh

III. Act No. XIX of 1973 on International Crimes (Tribunal) of Bangladesh

IV. Special five-year plan for Chittagong Hill Tracts

V. Summary of socio-economic development projects implemented/being implemented in the Chittagong Hill Tracts by the Chittagong Hill Tracts Board, 1976-2000

VI. Chittagong Hill Tracts Development Board: regional planning and development

VII. Comparative table of socio-economic indicators: Chittagong Hill Tracts and the rest of Bangladesh

VIII. Salient features of the Chittagong Hill Tracts peace accord.